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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,868	11/16/2000	James Tuchler	28474/36530	4785

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EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 08/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/713,868

Applicant(s)

TUCHLER ET AL.

Examiner

JAGDISH N PATEL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This communication is in response to amendment filed 5/6/03.

***Response to Amendment***

2. The specification has been amended per request. Independent claims 1, 11, 13 and 24 have been amended and new claim 27 has been added.

***Response to Arguments***

3. Applicant's arguments filed 5/6/03 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection. (see following paragraphs).

Regarding claims 24-25, the applicant merely reproduces the limitations of (amended) claim 24. The applicant, then concludes that "Demoff does not teach or suggest or suggest the claim limitations of claim 24. Therefore, claim 24 is allowable for at least the reasons stated above with respect to claim 1." This argument is a mere conclusion without any persuasive argument for the following reasons.

The examiner, respectfully, points out that claim 1 as amended is substantially different in scope than claim 24 (which has not been amended to recite similar limitations as that of claim 1). For example, claim 24 has not been amended to reflect

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limitations of amended claim 1. (Example: no limitation of claim 24 recites "credit account application", instead it recites "applicant data" which broadly interpreted is a request for issuance of a temporary credit transaction number (see Demoff col. 3 L 33-37)).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft et al. (US Publication No. 2003/0028481, filed June 4, 200, priority January 22, 1999) (hereafter Flitcroft) and further in view of Tammaro (US Publication No. 2001/0011246) (hereafter Tammaro).

6. Per claim 1, Flitcroft teaches a method for allowing a customer at an online Internet client device to make Internet purchases using a temporary credit card number (abstract, para [0045] ..limited time period), the method comprising:

if the applicant data is verified, opening the credit account and issuing a temporary credit card number..unique among a plurality of currently active temporary card numbers

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(Flitcroft, [0053], each master card holder could be provided with one or more of the following.. );

allowing a plurality of Internet based purchases based on the temporary credit card number until the temporary credit card number is deactivated (Flitcroft, para [0045] ..limited use credit card number ..designated for multiple uses); and

deactivating the temporary credit card number (Flitcroft, para [0045] ..the limited use credit card number is deactivated upon satisfaction of a limited use condition..).

Flitcroft teaches process step of opening the credit account and issuing a temporary credit card number associated with the credit account and subsequently allowing a plurality of Internet based purchases based on the temporary credit card number and subsequently deactivating the temporary credit card number.

Flitcroft, however, fails to disclose steps of transmitting electronic credit card application from a server to the client device and (in response to it) receiving credit card application, storing the applicant data and subsequently verifying the applicant data against a verification database.

[Regarding this deficiency of Flitcroft, it is to be noted that these steps are routinely performed when a person applies for a credit card account over the Internet or through any other communication means. It is also asserted that for the purpose of electronic commerce such as communicating data pertaining to a credit card application, the Internet is nothing more than a new form of communication.]

Tammaro, in the same field of endeavor, however, disclose a method and system for communication of credit card application data over the Internet comprising:

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receiving a message indicative of a request to apply for a credit account at an Internet server from the Internet client device via the Internet (Tammaro, [0012] gain access to the credit application 18);

transmitting data indicative of an electronic credit account application from the Internet server to the Internet client device via the Internet (Tammaro, [0012].. the credit application 18 is generated in the form of an HTML based web page on the Internet);

receiving the credit account application at the Internet server from the client device via the Internet, the credit account application including applicant data (Tammaro, [0016]-[0023] which recites applicant data, ..[0024] recites that the application is received at the Internet server (intermediate server 21));

storing the applicant data in a computer readable memory (Tammaro, [012] database arrangement 22..for transaction record keeping);

verifying the applicant data against a verification database (inherent in the "transaction related response from the finance source provider" described at Tammaro, [0032] );

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for, in the Flitcroft method, receiving a request to apply for a credit account at a server via the Internet, transmitting an electronic credit application to requesting client, receiving the credit application at server from the client which includes the applicant data and storing and verifying the applicant data as per disclosure of Tammaro, because this features would allow an applicant to apply a credit account, having a feature of

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associated temporary credit card numbers as described in Flitcroft, via the Internet which provides extra measure of convenient access, availability without constraint of time and location for communication of credit card application related information and to receive and store same data on an Internet client device of his/her choosing.

7. Claims 2: deactivating the temporary card number comprises, expiring the temporary credit card number in response to a predetermined time period elapsing (Flitcroft para [0057], use of the credit card number could be limited..by time).

8. Claims 3-10: other limitations regarding "deactivating the temporary credit card number" is broadly interpreted in Flitcroft recitation of para [0057] which states "the limits that can be placed on the use of a single use credit card number .. almost limitless and those having skill in the art will consider other ways in which the use of the credit card could be limited").

9. Claim 11: issuing a traditional card in the name of the customer based on the applicant data, the traditional card associated with a traditional card number, the traditional card number being different than the temporary credit card number (Flitcroft para [0043]-[0044] and [0056]).

10. Claim 12: transferring a balance associated with the temporary credit card number to an account associated with the traditional credit card number [Flitcroft para [0043]-[0044] refer to link of the "master credit card account" to "limited use credit card numbers"].

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11. Claims 13-21 and 22-23 are apparatus claims which correspond to and have been rejected as per analysis of corresponding method claims 1-9 and 11-12 respectively.

All limitations of claim 24 have been analyzed per claim 1. Note that differences identified between claim 1 and claim 24 in section titled "Response to Arguments" are disclosed by the combination of Flitcroft and Tammaro references.

12. Claim 25: network transmitter operatively coupled to the temporary account module and the Internet, the network transmitter being structured to transmit the temporary credit card number (Flitcroft, Figure 1: I/O 118, and credit card #s 124 and limited-use 126).

13. Claim 26 is analyzed as per method claim 2.

14. Claim 27: all limitations of method claim have been analyzed as in claim 1. Note that limitation "entering the identification number for payment" is disclosed at least in exemplary Figures 7-12 in various forms.

#### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is



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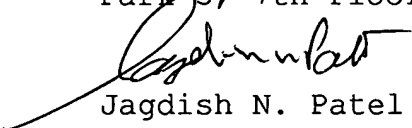
reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official faxes to Technology Center 3600 is (703) 305-7687. Draft faxes may be submitted directly to the examiner at (703) 746-5563.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7th Floor, Alexandria VA 22202.



Jagdish N. Patel

(Examiner, AU 3624)

7/26/03.